

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HSM HOLDINGS, LLC,

Plaintiff,

-v-

MANTU I.M. MOBILE LTD., et al.,

Defendants.  
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20-cv-967 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court resolved the first and second discovery disputes raised in Dkt. No. 132 on the record at a conference held on July 15, 2022. The parties submitted a joint letter regarding the status of the third discovery dispute. Dkt. No. 137. The motion to compel discovery as to the third discovery dispute is denied.

The Court will not compel Defendants to produce more documents than set out by Defendants on page 3 of Dkt. No. 137. Plaintiff has not shown that the requested discovery is relevant or proportional to the needs of the case under Federal Rule of Civil Procedure 26(b)(1). Plaintiff cites two cases with respect to the claim that the requested documents are relevant to Plaintiff's fraud claim—one case is a criminal case that makes the general point that fraudulent intent frequently is established by circumstantial evidence and the second is a contract case regarding the use of evidence of post-contract performance to inform interpretation of an ambiguous contract term. Plaintiff also argues that the documents are discoverable under a theory of alter ego liability. It fails to note that while the First Amended Complaint sought a declaration of alter ego liability, that claim was withdrawn in the Second Amended Complaint, which alleges only claims for fraud and deceit, fraudulent concealment, fraudulent inducement, and negligent misrepresentation. *See* Dkt. No. 111. Plaintiff has not shown that the broad-ranging discovery they seek is relevant to those claims.

Having resolved the discovery dispute, the Court CANCELS the discovery conference scheduled for July 27, 2022. The Clerk of Court is respectfully directed to close Dkt. No. 132.

SO ORDERED.

Dated: July 25, 2022  
New York, New York



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 LEWIS J. LIMAN  
United States District Judge